

Mr D Marsh  
PDE Consulting  
Sent via david@pdeconsulting.co.uk

**Bill Murphy, Head of Planning & Regulatory Services**

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**IWC Ref**  
**Your Ref**

**Contact** Mike Gildersleeves  
**Date** 4 October 2012

Dear Mr Marsh

**PROPOSED ASPHALT PLANT TOGETHER WITH ASSOCIATED ANCILLARY FACILITIES INCLUDING A MOBILE COLD RECYCLING PLANT, MOBILE CRUSHER, WEIGHBRIDGE, OFFICES, LORRY PARK, STORAGE BAYS, WORKSHOP AND ACCESS, FORMER LANDFILL SITE, ADJACENT TO COAL YARD, MEDINA WHARF, ARCTIC ROAD, COWES**

Further to our recent discussions, I am writing with an additional update on this application. We have now had the opportunity to review and seek comment upon the supplementary information that you provided following the outcome of the CLG Screening Direction. As you will know, this information was formally re-advertised and we have received considerable comment upon it.

The purpose of this letter is to set down the Local Planning Authority's current position in respect of the potential principal impacts of the proposed development. I have set this out below under a series of headings.

**CONTAMINATED LAND**

One of the important planning considerations arising from the proposal is whether any issues that may arise as a result of the former use of the land as a landfill site are capable of sufficient mitigation to allow the development to proceed. In considering this officers are mindful of the period over which the site was used, the lack of detailed information relating to waste inputs and the "engineering" of the site. It is our understanding that the site operated as a dilute and disperse landfill. Consequently, any re-engineering works and alterations to the surface (which are proposed via the application) combined with additional loading on the site could lead to migration from the site of any landfill gas or contaminated water (leachate) present within the site.

Given the lack of containment of the original site prior to its landfilling the potential migration of contaminants is a material planning issue and any movement of contaminated water would potentially have an impact upon the quality of the River Medina which forms part of the Solent and Southampton Waters Special Protection Area (SPA). Protection of the integrity of SPA's is required by Core Strategy Policy SP5 (see Core Strategy Page 67) and the National Planning Policy Framework (NPPF), paragraph 118 which states:-

*"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

Cont ...

- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

I have enclosed a copy of the Environment Agency's initial response dated 22 May 2012. Whilst it confirms no objection "in principle" I draw your attention to the advice to the Local Planning Authority/applicant as highlighted. It concludes that the re-grading of waste material and ground improvement (by this we assume they mean ground remodelling and resurfacing) may mobilise contamination. Further, they advise this could present a greater risk than the current site does to groundwater and surface water. Given the potential hydraulic connectivity of the site to the adjoining River, officers cannot with any certainty conclude that the integrity of the adjoining protected areas will be maintained.

In light of the Environment Agency's (EA) comment and the considerable number of third party comments raising this issue the Council sought comment from retained consultants, WPA on this matter, which I enclose for your information. You will note their conclusions which reaffirm the advice of the EA to the Council.

Given the EA observation on the adequacy of the submitted documents and the conclusions of our consultants which are reaffirmed in the enclosed attached email from our Environmental Health Department, officers are of the view that the current proposal would compromise adjoining protected sites and is therefore contrary to Policy SP7. Further, paragraph 120 of the NPPF as set out below clearly identifies these matters as being relevant to planning "decisions".

*"To prevent unacceptable risks from pollution and land instability, planning policies and **decisions** should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the development and/or landowner."*

Whilst you may rely upon the EA's suggested conditions (numbers 1, 2 and 3 specifically) that they would be sufficient to mitigate any such risk, officers' views are that it would not be acceptable to defer such fundamental issues to conditions given the local concerns being raised in respect of this issue, the content of paragraph 109 and 120 of the NPPF and the requirement of the Core Strategy Policy SP7.

Additionally, part of the proposed mitigation strategy of the scheme includes the provision of a peripheral bund (which is designed for both screening and noise attenuation proposed), in the absence of knowing whether the proposed material to construct the bund can be delivered without causing further contamination, officers cannot conclude that the bund could actually be created as proposed in the application.

## NOISE IMPACT

A second impact which has raised substantial comment relates to potential noise impact. The comment in the Walter Beak Mason (WBM) document dated 5<sup>th</sup> July that "audibility is not a relevant planning test for an application of this nature" is not one that the Local Planning Authority can agree with. For any application giving rise to a potential adverse noise impact the matter is a material consideration irrespective of whether the proposal is subject to a parallel permitting regime.

The Environmental Health Department email referred to above also raises a considerable number of issues in respect of the additional information provided by WBM.

Cont ...

In the absence of demonstrating that there will not be an unacceptable noise impact the proposal would be contrary to paragraph 109 of the National Planning Policy Framework and Policies SP5 and DM2 of the Core Strategy.

The criticisms contained within the Council's Environmental Health Department's email are mirrored by those of consultants Southdown Environmental (dated 21 September 2012) for a local resident. This can be viewed on the Council's website.

#### AIR QUALITY IMPACT, DUST AND ODOUR

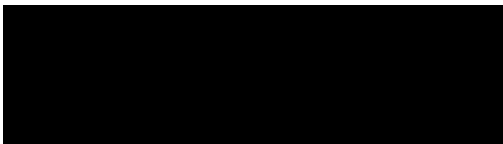
The detailed observations of the Council's Environmental Health Department on these issues, is also enclosed. It is recognised that some of these impacts may be capable of being mitigated via the permitting process and we will seek further comment from Environmental Health once the revised permit application is received.

#### CONCLUSIONS

I would draw your attention to the final conclusions of the Environmental Health Department and the recommendation that the application be refused specifically on the grounds of potential contamination and noise impact and whilst they have not formally objected in respect of the adequacy of the information submitted on pollutants and dust they do have considerable reservations about this information.

Given the position as set out in this letter, as is our normal practice on such developments where many of the impacts are of a nature which requires interpretation of a large amount of technical data officers would wish to give you the opportunity of meeting to discuss with you whether you would wish to provide further information/ clarification on these matters. If you do not wish to do so the Council will move forward to determination and the report to Planning Committee will reflect the matters contained in this letter. There are other issues which also require further exploration such as the length of time that would be needed for the proposed landscape mitigation measures to become effective. In addition many residents have raised issues in respect of the highway impacts. We are aware that at other sites throughout the UK planning conditions have been used to control the number of permitted night-time operations. Such controls could be used which would therefore reduce impact of night time operations and we would wish to discuss the opportunity of applying such controls should the planning Committee be minded to approve the application. However these are matters of detail and the issues raised under the principle headings above remain fundamental to the officer recommendation.

Yours sincerely



**Mike Gildersleeves**  
**Senior Planning Officer**  
**Key Regeneration Areas (KRA) Team**

**This information is available in Braille, large print, tape and community languages from the above offices and Typetalk calls are welcome**

Isle Of Wight Council  
Development Control  
Seaclose Fairlee Road  
Newport  
Isle of Wight  
PO30 2QS

**Our ref:** HA/2012/112911/01-L01  
**Your ref:** P/00472/12  
**Date:** 22 May 2012

Dear Sir/Madam

**PROPOSED ASPHALT PLANT TOGETHER WITH ASSOCIATED  
ANCILLARY FACILITIES INCLUDING A MOBILE COLD RECYCLING  
PLANT MOBILE CRUSHER WEIGHBRIDGE OFFICES LORRY PARK  
STORAGE BAYS WORKSHOP AND ACCESS**

**FORMER LANDFILL SITE ADJACENT COAL YARD MEDINA WHARF  
ARCTIC ROAD COWES ISLE OF WIGHT PO31**

Thank you for consulting the Environment Agency on the above application which we received on 3 May 2012.

**Environment Agency Position**

We can confirm that the Environment Agency has no objection in principle to the proposed development as submitted, however, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable.

Planning Condition(s):

The Environment Agency requests that the following condition(s) be attached to any planning permission granted, and that details in relation to these condition(s) be submitted to and approved by the Local Planning Authority:

**Condition 1**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

#### **Reason**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

#### **Condition 2**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**Condition 3**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**Condition 4**

*Piling or any other foundation designs* using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason**

*Piling or any other foundation* using penetrative methods can result in risks to potable supplies from, for example, mobilising contamination. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

This condition is in line with Policy SP5 Environment of the Isle of Wight's Core Strategy 2012.

**Condition 5**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2012 reference: "BCL/htl/MDA/004" by BCL Consultant Hydrogeologists

Limited and the following mitigation measures detailed within the FRA:

1. Finished floor levels of the weighbridge buildings are set no lower than 8.5m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

1. To reduce the risk of flooding to the proposed development and future occupants.

This condition is in line with Policy SP5 Environment and DM15 Flood Risk of the Isle of Wight Council's Core Strategy 2012. It is also in line with the principles of the National Planning Policy Framework and its associated Technical Guidance.

### **Advice to Local Planning Authority/Applicant**

#### **Groundwater, Hydrology and Contaminated Land**

We have reviewed the Water Resource and Hydrogeological Assessment Report produced by BCL dated March 2012.

The report provides a very good assessment of the local geological, hydrogeological and hydrological characteristics of the site. The report states that the site was a former landfill site and it is known through limited investigations that construction and demolition type material along with other biodegradable material such as paper was tipped at the site.

The site is to be developed as an Asphalt Plant where most of the site will be underlain by impermeable hard surfacing (concrete or similar).

The report has provided an assessment of the likely impact of surface water quality runoff from the proposed activities and the pollution prevention measures proposed are satisfactory. We recommend a variety of pollution prevention measures in a later section of this letter under the heading 'Advice to Applicant' on Page 7.

The report has not provided any assessment on the potential impact that the development has upon the environment. As the site was a former landfill, development activities such as the potential regrading of waste material and ground improvement measures may have the potential to mobilise contamination. This could present a greater risk to groundwater and surface water than already exists. We therefore request the above conditions to be attached to any planning permission granted.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

We would like to refer the applicant to our groundwater policies in Groundwater Protection: Principles and Practice (consultation draft 2011 - final version due July 2012), available from our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). This sets out our position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

## **Flood Risk**

### Planning Policy Change

Since 27 March 2012, Planning Policy Statement 25 (PPS25) has been replaced by the National Planning Policy Framework (NPPF) and the associated Technical Guidance to the National Planning Policy Framework.

As a result Flood Risk Assessments (FRA) will need to be produced in accordance with the NPPF and associated Technical Guidance. The principles in relation to sustainable drainage have been transferred from PPS25 to the NPPF and associated Technical Guidance. The FRA produced for this proposal is compliant with the current policy although it does not reference it.

For future applications, in relation to this site, and any others, we would advise that FRA's are in line with the NPPF and associated Technical Guidance and do not reference the now obsolete PPS25.

### Site Specific Flood Risk Assessment

According to the site survey, reference: "12/418/001\_0" general site levels for the proposed development range from 6m AOD to over 9m AOD where the plant will be situated. The lowest point surveyed on the access road to the site is 4.04m AOD. As a result of these levels, it is highly unlikely that the proposed development will experience tidal or fluvial flooding over it's lifetime.



Surface water flooding would be the main concern for this site. The site is regarded as a Brownfield so surface water runoff only needs to be controlled to the same or less than the existing rate at the site. As a former landfill there is a clay capping across the site. This means that infiltration at the site is currently negligible and an increase in formal hardstanding should not increase the rate at which water is discharged to the River Medina.

The proposed strategy for managing surface water is to re-grade the site so that the levels direct water to a single point on the north-east of the site. The water will then;

*"be directed over a weir spanning the full width of the rear/northern end of (a)wedge pit."*

The proposal is to use this wedge pit as attenuation storage although it has been made clear that this pit will not provide enough storage to accommodate the 1 in 100 year storm.

The proposed strategy is that water will be backed up by the hydrocarbon interceptor (restricting the discharge rate to a maximum of 30l/s) and will flood the site up to the 8.2m AOD contour. This will result in a flood depth on site of approximately 300mm.

Section 7.4 of the FRA recommends that;

*"it is important that there is adequate passive flood warning in place, with signs highlighting the susceptibility to flooding in the vicinity of the wedge pit and clearly signed evacuation routes where necessary."*

We would strongly recommend that the local authority condition such proposals as such measures will significantly improve the safety of people on site during a flood event.

### **Flood Defence Consent Required**

Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Medina, designated a 'main river'.

It is not clear from the submitted plans whether or not the proposed development is within the 8 metre boundary. We would recommend that you contact the officer shown below to discuss matters further.

**This permission is separate from planning permission and cannot be considered retrospectively.**

Please be aware that the Environment Agency has up to two months to determine applications for Flood Defence Consent and you are therefore

advised to contact us as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties.

If the applicants or agents wish to discuss this advice with us, they should contact Rob Sheehan in the Development and Flood Risk team on 01962 764964.

### **Environmental Permit**

Please note that this development will require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506 or information can be found through the following link:

<http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx>

Under the Environmental Permitting (England and Wales) Regulations 2010 the operator of a waste site will require a environmental permit for the importation, storage and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

### **Biodiversity**

Whilst the Ecological Assessment does give a comprehensive overview of the ecological issues in regard to the site and proposed works, we do feel that the proposed enhancement measures are somewhat limited. We are pleased to see the proposal for a native planting scheme to be used in any landscaping.

Please find below (Page 7) some general advice to the applicant in relation to construction and working on site.

Please note that this response relates solely to matters that are relevant to the Environment Agency's planning remit. This response does not represent endorsement or opposition to the proposed development as submitted. Ultimately it is for the Local Planning Authority to determine this planning application.

If you have any queries regarding the information set out above please contact me on the number below.

Yours faithfully

**Mr Jon Maskell**  
**Planning Liaison Officer**

Direct dial 01962 764878

E-mail [PlanningSSD@environment-agency.gov.uk](mailto:PlanningSSD@environment-agency.gov.uk)

Advice to Applicant:

**Heavy industrial use**

Industrial sites can be a source of pollution. All drains from potentially contaminated areas, both open and covered, should go to the foul water drainage system.

All foul water drainage from the site including drainage from loading bays and washdown areas must discharge to a sealed tank or to mains foul sewer (with the permission of the local sewage undertaker). Exterior working areas should drain via an oil interceptor.

The risk of pollution can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001. If the tanks are not covered by these regulations then they should comply with Environment Agency Pollution Prevention Guidance Note No 2. The guidelines stipulate requirements for the standard of tanks, pipe work and secondary containment including bund walls.

**Vehicle washes**

If vehicles are to be washed down on the site, the preferred method for the wash down of vehicles is to use a sealed system where the majority of wash water can be reused and recycled.

Any water that cannot be reused should be discharged to the foul sewer with the permission of the local sewage undertaker. If there is no foul sewer wash water will need to be collected in a sealed tank and tankered away by an appropriately authorised carrier to an appropriately authorised facility.

Further information can be found in pollution prevention guidance note 13 'Vehicle washing and cleaning' this document can be downloaded from: [www.environment-agency.gov.uk/netregs/links/63875.aspx](http://www.environment-agency.gov.uk/netregs/links/63875.aspx)

**Construction and demolition**

The applicant should ensure that appropriate pollution prevention measures are taken to avoid any contamination of controlled waters. Controlled waters include lakes, rivers, coastal waters and groundwater.

There should be no discharge of silty or dirty water to any watercourse or

surface water drain during the proposed works.

Soil originating from the site may be classed as hazardous waste. Appropriate testing must be carried out to determine if the waste is hazardous. Hazardous waste must be disposed of at a suitably permitted site, consignment notes and records of waste analysis must be kept on site to prove how the material was classified and disposed of.

The risk of pollution at construction and demolition sites can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001.

When you are carrying out construction and demolition activities you need to identify the potential sources of pollution from your site activities and measures that can be put in place to protect the environment.

Further detailed advice can be found at the Environment Agency's pollution prevention website:

<http://www.environment-agency.gov.uk/business/topics/pollution/32252.aspx>;

or by calling our National Customer Contact Centre (NCCC) at 08708 506 506.

### **Sewage disposal**

As there appears to be a mains foul water sewer reasonably close to the site, the Agency would consider the connection to this system a preferred option for the disposal of sewage and/or trade effluent. In the event that an application for consent to discharge to a private system is submitted, consent approval may not be forthcoming due to the sensitivity of the surrounding area.

**Potential Asphalt Plant, Medina Wharf, Artic Road, Cowes**

**WPA Reference: WPA2012/63**

**Planning Reference: TCP/30985, P/00472/12**

WPA Consultants Limited's (WPA's) comments are based on the information supplied. This consists of a report titled 'Risk Assessment for a Proposed Development at Medina Wharf', dated March 2012, prepared by PDE Consulting Ltd (PDE) on behalf of Eurovia Road Stone Limited, correspondence dated 28<sup>th</sup> May 2012 from IOW Council to PDE, and PDE's response dated 16<sup>th</sup> August 2012.

**Summary**

The report states that the intention is to redevelop the site as an Asphalt Plant with ancillary facilities consisting of mobile cold recycling plant, mobile crusher, weighbridges, offices, lorry park, car parking and storage bays.

The document provided is a combined Preliminary Risk Assessment and Site Investigation Report. The source of the data relied upon in Preliminary Risk Assessment is often not stated and copies of supporting information such as historical mapping records, environmental data search's or previous investigation works are not supplied.

The report states the site is a former historic landfill, currently covered in grass and scrub, located on the west shore of the River Medina approximately 2 km south of Cowes. The site is 2.1 Ha in area and between 8 to 10 m AOD. Surrounding land uses consist of the River Medina to the East and South, a coal yard and depot. Waste material received is reported as solid, nontoxic clays and rubbles arising from construction demolition and excavation works and regulated under licence FIW55, and semisolid clean slurry from ballast washing operations. A copy of licence FIW55 is provided, along with an earlier licence not referred to in the text, WDD9331, that states that between ca.1974 to 1990 domestic and commercial waste was accepted. The site is stated as not having an engineered liner or cap.

Geology is identified as alluvium overlying the Hamstead Beds and Bembridge Marls, which are identified as a Major Aquifer. No source protection zone is identified. A preliminary risk assessment and conceptual model is provided that identifies potential risks from soils contamination and ground gas to human health receptors, controlled waters and property.

The report states that a site visit and intrusive investigation work were completed on the 5<sup>th</sup> March 2012. Investigation works are detailed as consisting of 8 trial pits excavated to approximately 2 m bgl and 21 gas spike locations. 8 soil samples from 2 m depth were sent for soil and leachability analysis at Severn Trent Laboratories (STL). An analysis suite is not detailed or justified with reference to CLR8 or an appropriate DoE profiles. STL's results certificate state that the samples were received in inappropriate containers and analysis is not covered by STL's UKAS/MCERTs accreditation. A previous site investigation completed in 1993 is summarised sparsely.

Soils results are compared to Commercial land use CLEA 1.04/6 Soil Guideline Values (SGV's), where available and leachability results to Drinking Water Standards and Environmental Quality Standards (EQS). Where SGV's are not available, for example lead, chromium, copper, USEPA 16 PAHs or

hydrocarbons, determinands have not been assessed using CLEA compliant methodology or generic assessment criteria.

Gas spiking was completed during a period of high pressure and detected negligible methane and slightly elevated carbon dioxide, no VOC or flow data was collected. The report concludes that low risk is present and leachate concentrations compare favourably to EQS, while the updated risk assessment indicates that hardstanding will be present on site to break pollutant linkages.

## **Comments**

Based on the information available WPA has the following comments:

1. Substantial portions of the information summarised in the PRA are not provided as supporting evidence (i.e. geological, hydrological and historic mapping, environmental records relating to pollution incidents, ground water abstractions, contemporary trade records, previous investigation reports) additionally no review of historical mapping is provided, evidence indicating petroleum officer or Local Authority records have been obtained or identification of potential contaminants that will require analysis during investigation works. This information is required prior to the PRA being considered to be sufficiently robust to inform a site investigation and adequately characterise the site.
2. Site investigation reporting is sparse with substantial information gaps and departures from good practice identified. As a minimum the following points should be addressed:
  - a. Further information justifying sampling location distribution and numbers is required in order to demonstrate that any conclusions are robust.
  - b. Soil samples were transferred to the laboratory in inappropriate containers and are consequently not covered by the laboratories UKAS/MCERTs accreditation. Analytical results and conclusions based upon them are therefore not sufficiently robust.
  - c. No information on chain of custody or transfer procedures is supplied.
  - d. Soil sampling of the surface horizon which poses the greatest risk to human health receptors has not occurred.
  - e. Ground gas risk has not been assessed in compliance with good practice such as CIRIA C665 and is insufficiently robust. Gas spiking does not comply with good practice and is inappropriate for assessing gas risk, monitoring with boreholes over an appropriate time period is needed for a robust assessment.
  - f. The reasoning behind analytical suite choice is not set out and it is therefore not demonstrated that the analytical suite used is appropriate.
  - g. Not all soil assessment criteria used are CLEA 1.06 compliant, with no assessment criteria used or assessment criteria that are not compatible with the current contaminated land regime.
3. Due to the above points WPA recommend that the PRA is substantially revised and that further site investigation and risk assessment is required before the site can be considered to be adequately characterised.

4. WPA notes that PDE's correspondence dated 16th August 2012 refers to Environment Agency comments relating to controlled waters issues. WPA recommends that sight of these is obtained. If the EA have not commented on the report reviewed we recommend that their opinion on controlled waters is sort.
5. The Preliminary Risk Assessment, Site Investigation and Risk Assessment of results are not sufficiently robust to meet the requirements of good practice detailed in BS10175:2011, CLR11, the CLEA methodology and associated science reports or guidance relating to controlled waters risk assessment or ground gas risk assessment. The report therefore does not meet the requirement set out in the National Planning Policy Framework for an adequate site investigation and that as a minimum a development should not be capable of being determinable under Part 2A. WPA therefore recommend that the Local Authority reject the application on the grounds of insufficient information, or if based on Local Authority's knowledge of the landfills history its redevelopment is considered as practical apply contaminated land planning conditions equivalent to model PPS23 conditions 1 to 5.

In summary the information submitted is insufficient to characterise the site robustly and substantial further work is required before the site is characterised sufficiently to meet the requirements of the National Planning Policy Framework and before the requirements of guidance and industry good practice are met. WPA therefore recommend that the Local Authority reject the application on the grounds of insufficient information, or if the Local Authority has knowledge of the landfilling history that suggests a state of risk that is feasible to remediate so that the redevelopment of this landfill is considered practical, the Authority should apply contaminated land planning conditions equivalent to new model PPS23 conditions 1 to 5.

Regards

James Wilson

**Senior Consultant**

WPA Consultants Ltd.

13<sup>th</sup> September 2012

**QA review of the comments by:**

**Michael Way, 3/09/2012**

To Mike Gildersleeves, Planning and Development Control  
From Mark Wootton, Senior EHP  
Telephone 01983 823000 ext 6164  
Email mark.wootton@iow.gov.uk  
Date 26 September 2012  
Subject Old Landfill Site, Medina Wharf, Arctic Road, Cowes, Isle of Wight, PO31 7PQ  
TCP/30985-P/00472/12 - Proposed asphalt plant (readvertised)

# Memo

I refer to the above, re-advertised, application and the supplementary information provided by the applicant. My comments should be read in conjunction with my previous memo on the matter dated 24 May 2012.

## Noise from application site (asphalt plant, cold recycling plant jaw crusher and ancillary operations)

I acknowledge the useful additional material set out within WBM's report and have the following additional comments;

5dB acoustic correction – I note the additional comments and explanation why such a correction is unnecessary but WBM's response makes several references that may cast doubt on this;

*"The acoustic feature correction could apply if the asphalt plant noise at dwellings contains a distinguishable, discrete or continuous note. It is vital for this site that such acoustic features are eliminated as part of the plant design and operation."*

*"Some of the activities proposed for the Medina Wharf site have the potential to generate acoustic characteristics that if noticeable at the assessment locations could attract the 5 dB acoustic feature penalty as detailed in BS 4142: 1997. The intention / requirement of the design and mitigation measures is to minimise / reduce the opportunity for such acoustic characteristics from on-site activity to be noticeable at dwellings, particularly for night-time operations."*

*"The aggregate drier would need to be appropriately designed and enclosed to minimise / reduce any discrete continuous note such as a whine, hiss, screech or hum at receiver locations. The design of the exhaust system and the stack exhaust silencer provision and maintenance will need to be robust to minimise / reduce any discrete continuous note that would be noticeable at existing dwellings."*

*"The use of the loading shovel at night would need to be carefully managed, along with the selection of a no externally audible reversing alarm system, to avoid any requirement for intrusive noise events such as scraping the bucket along the ground to tidy up spilled material or shaking of the bucket to clear it."*

Particularly, with regard to the penultimate paragraph above, there is no detail within the application that specifically addresses what is needed and, as such, I remain unconvinced on this issue. Essentially, I am not satisfied that the necessary "great care and attention at the detailed design and construction stages" has been demonstrated. I reiterate that, if this is not achieved, it is unclear as to how much noisier the plant will be and to what extent this will negatively impact receptor locations. It would, however, be potentially possible to condition this but given the potential for adverse impact at night-time I would be cautious of agreeing to a condition that allows night-working since I would not wish to advocate that night-working could be undertaken on a specific number of days when it is possible that this may cause disturbance to residents.



It is noted that WBM state that audibility is not a relevant planning consideration but I would wish to ensure that no noise nuisance is caused (despite the fact that noise may be audible). Noise would not be controlled under a Part B permit and it would be better to address any possible nuisance at the planning stage rather than retrospectively. The highlighted section of WBM's report (below) still give cause for concern;

*"For daytime operations, with site noise levels between about 5 and 20 dB below the lowest background noise levels, it is likely that site noise at the receiver locations would not be audible. With site noise levels 1 or 2 dB(A) above the lowest daytime background noise levels during a weekend period, site noise would be audible at times. For the dwellings considered, the calculated overall site noise level for night-time is between 3 dB(A) below and 8 dB(A) above the night-time. lowest background noise levels, measured between about midnight and 3 am and would be audible or clearly audible at times".* N.B this is without the 5dB acoustic penalty. I am not in a position to state whether such levels would constitute a nuisance to residents since nuisance will be dependant on a number of factors including frequency, duration, level of noise, interference and reasonableness and I cannot assess this at this time. Whilst planning condition could be used to control the frequency of night-time working this may not be sufficient to control any nuisance that is caused. I believe that the 5dB acoustic correction factor should have been applied and, had this been done, this would result in a conclusion that complaints would be 'likely' at night-time as predicted by BS4142 (1997).

I have noted the contents of correspondence received from Southdowns Environmental Consultants dated 21 September 2012. The document raises a number of additional queries and I recommend that a response be sought from WBM in respect of the contents of this communication, particularly with regard to the possibility that background noise levels may fall below those which were measured (i.e. that the effect of the proposed plant may be greater than predicted).

Given my belief that complaints regarding noise from the facility are 'likely' at night-time I consider that further evidence needs to be supplied by the applicant in order to allay my concerns. I also believe that the specific plant proposed for the hot and cold asphalt processes has now been established (Parker Phoenix Star Batch 2000 Plant and KMA220 Mobile Recycling Plant) and would appreciate comments as to whether the plant proposed differs from that which was used for the noise assessment.

#### Noise – Mobile Crusher

The additional information provided is helpful but it is disappointing that it appears only possible to review the crushers position if it is feasible from an operational point of view. It remains that the crusher is likely to be audible offsite at receptors when it is used. The extent to which this is a problem will depend on the duration and frequency of use together with the crushers' location and relevant shielding. If the crushers location could be designed with shielding close to it then this would, most probably, be more effective at preventing noise escaping offsite.

#### Noise – Road Traffic

The additional comments do not address the issue that there will be additional, HGV's on Arctic Road, during the evening and night associated with the development. I do not accept the comment in the letter dated 16 August 2012 from pde consulting that *"the impact would be insignificant"* (though it is not clear whether this impact is intended in traffic terms or noise terms). There has been no assessment of the number of HGV using the road during the evening and at night so the "insignificant" impact of the vehicles using the proposed site cannot be justified.

WBM's report states;

*"On the basis of the very low "thresholds" for L<sub>AMax</sub> noise levels corresponding to observed sleep disturbance effects, as summarised in the WBM noise report, the noise arising from any existing or proposed motor vehicle movements on Arctic Road at night could be shown as having the*

*potential for sleep disturbance and therefore this cannot be used as a test for potential traffic noise impact."*

The above appears to state that any additional vehicle on Arctic Road has the potential for sleep disturbance. I accept that this is the case but the point I would stress is that if permission is granted there will be more HGV traffic, at night, than there would be if permission is not granted so there is a greater chance of disturbance being caused.

I reiterate that noise from traffic is specifically exempt from local authority statutory nuisance control so, if permission is granted, noise from vehicles on the public highway associated with the proposed development will not be actionable by Regulatory Services.

#### Noise from sea-borne vessels offloading aggregate

I have no additional comments to make on this save that there will be an impact on residents from the increased importation of raw materials. I understand that such activity can be lawfully carried out.

#### Appendix 2 – Extract from Appeal Decision Judgment Royal Courts of Justice (continued)

WBM have included the following as part of their submission;

*"55. In Gillingham Borough Council v Medway (Chatham) Dock Co. Ltd [1993] QB 343 the defendant obtained planning permission to develop a commercial port on part of the site of the former Chatham Dockyard. The plaintiff council, having granted planning permission for that development, subsequently contended that heavy goods vehicles travelling to or from the port at night constituted a public nuisance. Buckley J dismissed the claim. Buckley J noted that planning permission differed from statutory authority, which had been the subject matter of Allen. In a helpful passage on pages 359 to 361 he analysed the interplay between planning permission and the law of nuisance. At page 359F-H Buckley J said:*

*"Parliament has set up a statutory framework and delegated the task of balancing the interests of the community against those of individuals and of holding the scales between individuals, to the local planning authority. There is the right to object to any proposed grant, provision for appeals and inquiries, and ultimately the minister decides. There is the added safeguard of judicial review. If a planning authority grants permission for a particular construction or use in its area it is almost certain that some local inhabitants will be prejudiced in the quiet enjoyment of their properties. Can they defeat the scheme simply by bringing an action in nuisance? If not, why not? It has been said, no doubt correctly, that planning permission is not a licence to commit nuisance and that a planning authority has no jurisdiction to authorise nuisance. However, a planning authority can, through its development plans and decisions, alter the character of a neighbourhood. That may have the effect of rendering innocent activities which prior to the change would have been an actionable nuisance."*

*56. Buckley J then applied those principles to the case before him. The grant of planning permission and the construction of the port had changed the character of the neighbourhood. It would be unrealistic to operate the port without causing the disturbances of which the local residents complained.*

*57. Two features of the Gillingham case should be noted. First, the port and its access roads were constructed close to a pre-existing residential area. Secondly, as can be seen from the second paragraph on page 355, the noise, vibration, dust and fumes caused serious disturbance to local residents. Despite all these circumstances Buckley J dismissed the claim for public nuisance.*

*58. Harsh though that outcome may seem, I respectfully agree both with the decision and with the reasoning on which it is based. The planning authority had made a decision in the public interest and the consequences had to be accepted."*

The above judgement would appear to be of particular relevance and would seem to greatly limit or prevent action from being taken to satisfactorily address the described issues should planning permission be granted.

I am not satisfied that the WBM suggested noise conditions are appropriate. It would be normal practice to condition such a development to a level that is 3dB below the existing background level. At times the suggested condition is well above the existing measured background level (night-times at Medina View 6dB above and Medham 8dB above).

### Air Quality Assessment

The air quality assessment uses background data from the mainland but it is normal practice to adopt such an approach due to the sporadic distribution of real-time air pollution analysers that exist. As such, the report does not assess the specific, current/background levels at the application site. Consideration is given to the existing impact of Cowes Power Station and the estimated emission rates shown for the process appear reasonable. In accordance with the quoted and latest Process Guidance Note, given that the plant is to be fuelled by gas no assessment for pollutants other than particulate matter and SO<sub>2</sub> is necessary. That said, an assessment and explanation of whether the production/emission of pollutants such as hydrogen chloride, hydrogen fluoride, metals and their salts, dioxins and PCB's is relevant to the proposed process would be of great help and could address the concerns of residents who may be of the understanding that these chemicals will be emitted from such a process. The report concludes that the impact of the proposal, in respect of PM<sub>10</sub> and SO<sub>2</sub> is of negligible significance. Whilst the report assumes that 40% of the emitted particulate matter will be PM<sub>10</sub>, it does not specify what percentage will be PM<sub>2.5</sub> or below.

### Dust

I have considered the Dust Monitoring and Mitigation Scheme dated 23 July 2012 together with the comments in the letter from pde consulting dated 16 August 2012. Whilst the documents makes reference to the fact that a permit will be necessary (and that any such permit will contain conditions relating to dust), the document largely makes reference to nuisance dust above 10µm. No obvious consideration is given to the production of dust particles of a lesser size from fugitive sources and any adverse effect of such particles may have.

The letter makes reference to recognised guidance but the specific guidance is not stated nor does the comment address the effect of dust sized below 10µm in size if indeed such sized particles are produced.

It is noted that section 2.4.6 of the report states that dusty operations will be avoided during periods of high winds but I would question how this might fit with product demand in the event that high winds were to be sustained for a prolonged period.

The proposed dust monitoring locations are at the site boundary. No dust monitoring locations are proposed at receptors. The monitoring equipment is proposed to be both an airborne directional tool and deposition tool. I have the concern that the locations for the monitors may not be representative since they are located within a 'shadow' of the site boundary fence (dust may not cross the site boundary and then drop immediately to ground level but will be deposited over a wider area. I can see no robust justification for the selection of the four proposed locations. The comments with regard to 'eddies' are noted.

Whilst I fully accept that the conditions within any permit will be a mass per unit volume (from contained sources) and 'no visible emissions' from uncontained sources, I feel that this is a relevant matter to be clarified further by the applicant given the number of people that could be adversely affected by such dust particles.

With regard to the background dust monitoring and compliance limits it would appear that the breaching of any such limits would be only identified after the event and, as such, the timescale for resolving any issues identified will be slow. It is also unclear as to what sized particles will be detected by the proposed gauges. The timing of any background dust monitoring exercise may also have a significant effect of the quantities of dust found.

There is no indication that any active type pumping system is proposed to measure any PM<sub>10</sub> and below sized particles. If such information was received it may contribute to addressing concerns. See also comments under IPPC permit application, below.

The detail provided regarding closed conveyors, water sprays and storage bays and cladding is helpful but I am still of the opinion that the cladding of the proposed plant is not shown in sufficient detail as to be helpful, nor is specific detail given regarding sprays and whether they are fixed or not.

The comments from my previous memo have been partially addressed by the information contained within Table 13 of the Air Quality Assessment but there is no mention of the quantity of PM<sub>2.5</sub> and below particles which the plant may emit or any assessment of the adverse effect such particles may have..

The report does not fully demonstrate in sufficient detail how the four stages of a dust control plan (as previously summarised in my memo) have been considered.

#### Dust – site access roads and prevention of dust from escaping offsite

It is noted that water sprays are proposed together with the sheeting of vehicles but it is unclear how frequently these will be actually used and what trigger mechanisms will result in such abatement techniques being used. There is no detail given as to how site speed limits will be measured and enforced or as to how effective a reduction in vehicle speeds will be.

There is comment made regarding changes to the current water spray system at the entrance to PD Port Services, there is no specific detail given and the mechanism to ensure that dust is not deposited on the public highway and adjoining properties is unclear.

#### Odour - Sources and control

Under the Local Air Pollution Prevention and Control (LAPPC) framework the overall aim should be that all emissions are free from offensive odour outside the site boundary, as perceived by the regulator. However, the location of the installation will influence the assessment of the potential for odour impact as local meteorological conditions may lead to poor dispersion conditions.

The above does not mean that there will be no odour detectable, nor does it deal with the effect of any inoffensive odour that may cause harm to neighbouring property or goods. The LAPPC framework conditions are the most stringent conditions that the Local Authority could apply. In the event that odour which did not fall into the category as being 'offensive' odour were to damage neighbouring property, this is potentially a private matter between the permit holder and the person affected. However, if the effect were to be more widespread then there would be the potential for environmental health intervention.

The additional information supplied by the applicant contains no additional information with regards to odour abatement and refers back to the original Dust and Odour report which states;

*“Hot bitumen is a possible source of nuisance odour. The heating of bitumen will occur inside a sealed building. This practice will help to avoid bitumen odour migration offsite. Odour resulting from stack emissions will be controlled under by a permit issued under the LAPPC regime”.*

The newly published process guidance note, PG 3/15(12), refers to a number of different odour control techniques such as scrubbing equipment, thermal oxidisers, other combustion equipment, biofilters or soil biofilters on bitumen tank vents and there is no detail as to whether any of these methods will be employed, no assessment of whether they are needed and no justification for them being needed (or not needed).

I acknowledge the information that the bitumen storage tanks will be electrically heated but reiterate the bullet point from my previous memo that “There is no detail as to whether any bitumen odours will be vented to the burner stack”.

### Lighting

The details of the proposed lighting for the development indicate that no luminaire will be positioned more than 4m above the finished site ground level. As such, luminaires will not be visible above the boundary bund/fence which is to a height of 8m when the site is viewed from the same level. I am unsure whether properties in East Cowes at a higher elevation than the proposed site will have any direct line of sight of any luminaires.

In any case, given the proposed power of the lighting and downward orientation, it is unlikely that the proposed lighting will result in any statutory light nuisance as defined by the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005).

However, this does not mean that light from the development will not be visible from offsite as there will, inevitably be some upward spill of light due to reflection.

### Contaminated Land

The Councils contaminated land consultant was commissioned to provide comments in respect of the application. The consultant summarises that the submitted information from the applicant shows that;

- The report states that the intention is to redevelop the site as an Asphalt Plant with ancillary facilities consisting of mobile cold recycling plant, mobile crusher, weighbridges, offices, lorry park, car parking and storage bays.
- The document provided is a combined Preliminary Risk Assessment and Site Investigation Report.
- The source of the data relied upon in Preliminary Risk Assessment is often not stated and copies of supporting information such as historical mapping records, environmental data search's or previous investigation works are not supplied.
- The report states the site is a former historic landfill, currently covered in grass and scrub, located on the west shore of the River Medina approximately 2 km south of Cowes. The site is 2.1 Ha in area and between 8 to 10 m AOD. Surrounding land uses consist of the River Medina to the East and South, a coal yard and depot. Waste material received is reported as solid, nontoxic clays and rubbles arising from construction demolition and excavation works and regulated under licence FIW55, and semisolid clean slurry from ballast washing operations. A copy of licence FIW55 is provided, along with an earlier licence not referred to in the text, WDD9331, that states that between ca.1974 to 1990 domestic and commercial waste was accepted. The site is stated as not having an engineered liner or cap.
- Geology is identified as alluvium overlying the Hamstead Beds and Bembridge Marls, which are identified as a Major Aquifer.
- No source protection zone is identified.
- A preliminary risk assessment and conceptual model is provided that identifies potential risks from soils contamination and ground gas to human health receptors, controlled waters and property.
- The report states that a site visit and intrusive investigation work were completed on the 5<sup>th</sup> March 2012. Investigation works are detailed as consisting of 8 trial pits excavated to approximately 2 m bgl and 21 gas spike locations. 8 soil samples from 2 m depth were sent for soil and leachability analysis at Severn Trent Laboratories (STL). An analysis suite is not detailed or justified with reference to CLR8 or an appropriate DoE profiles. STL's results certificate state that the samples were received in inappropriate containers and analysis is not covered by STL's UKAS/MCERTs accreditation. A previous site investigation completed in 1993 is summarised sparsely.

- Soils results are compared to Commercial land use CLEA 1.04/6 Soil Guideline Values (SGV's), where available and leachability results to Drinking Water Standards and Environmental Quality Standards (EQS). Where SGV's are not available, for example lead, chromium, copper, USEPA 16 PAHs or hydrocarbons, determinands have not been assessed using CLEA compliant methodology or generic assessment criteria.
- Gas spiking was completed during a period of high pressure and detected negligible methane and slightly elevated carbon dioxide, no VOC or flow data was collected. The report concludes that low risk is present and leachate concentrations compare favourably to EQS, while the updated risk assessment indicates that hardstanding will be present on site to break pollutant linkages.

The consultant then comments, in respect of the above, that;

1. Substantial portions of the information summarised in the PRA are not provided as supporting evidence (i.e. geological, hydrological and historic mapping, environmental records relating to pollution incidents, ground water abstractions, contemporary trade records, previous investigation reports) additionally no review of historical mapping is provided, evidence indicating petroleum officer or Local Authority records have been obtained or identification of potential contaminants that will require analysis during investigation works. This information is required prior to the PRA being considered to be sufficiently robust to inform a site investigation and adequately characterise the site.
2. Site investigation reporting is sparse with substantial information gaps and departures from good practice identified. As a minimum the following points should be addressed:
  - a. Further information justifying sampling location distribution and numbers is required in order to demonstrate that any conclusions are robust.
  - b. Soil samples were transferred to the laboratory in inappropriate containers and are consequently not covered by the laboratories UKAS/MCERTs accreditation. Analytical results and conclusions based upon them are therefore not sufficiently robust.
  - c. No information on chain of custody or transfer procedures is supplied.
  - d. Soil sampling of the surface horizon which poses the greatest risk to human health receptors has not occurred.
  - e. Ground gas risk has not been assessed in compliance with good practice such as CIRIA C665 and is insufficiently robust. Gas spiking does not comply with good practice and is inappropriate for assessing gas risk, monitoring with boreholes over an appropriate time period is needed for a robust assessment.
  - f. The reasoning behind analytical suite choice is not set out and it is therefore not demonstrated that the analytical suite used is appropriate.
  - g. Not all soil assessment criteria used are CLEA 1.06 compliant, with no assessment criteria used or assessment criteria that are not compatible with the current contaminated land regime.
3. Due to the above points it is recommend that the PRA is substantially revised and that further site investigation and risk assessment is required before the site can be considered to be adequately characterised.
4. It is noted that PDE's correspondence dated 16th August 2012 refers to Environment Agency comments relating to controlled waters issues. It is recommended that sight of these is obtained. If the EA have not commented on the report reviewed we recommend that their opinion on controlled waters is sort.
5. The Preliminary Risk Assessment, Site Investigation and Risk Assessment of results are not sufficiently robust to meet the requirements of good practice detailed in BS10175:2011, CLR11, the CLEA methodology and associated science reports or guidance relating to controlled waters risk assessment or ground gas risk assessment. The report therefore does not meet the requirement set out in the National Planning Policy Framework for an adequate site investigation and that as a minimum a development should not be capable of being

determinable under Part 2A. WPA therefore recommend that the Local Authority reject the application on the grounds of insufficient information, or if based on Local Authority's knowledge of the landfills history its redevelopment is considered as practical apply contaminated land planning conditions equivalent to model PPS23 conditions 1 to 5.

In summary the information submitted is insufficient to characterise the site robustly and substantial further work is required before the site is characterised sufficiently to meet the requirements of the National Planning Policy Framework and before the requirements of guidance and industry good practice are met.

### Asthma

The 2011-2012 Joint Strategic Needs assessment advises that “....the Island has comparatively low rates of emergency admissions for asthma and diabetes in the under 19 age group, an improvement over recent years attributable to improved management of these conditions in the community.”

The response to a freedom of information request made to IOW NHS Trust by a third party shows the following in relation to the incidence of asthma amongst children in Cowes and East Cowes;

	Females 5-15	Males 5- 15	Total with Asthma	Total with Asthma (both medical centres)	Total patients aged 5-15	Incidence
Cowes Medical Centre	95	130	225	349	2752	349/2752 = <b>12.68%</b>
East Cowes Medical Centre	54	70	124			

Data from [www.asthma.org.uk](http://www.asthma.org.uk) states that 1 in 11 children in the UK suffer from Asthma (9.09%).  
n.b. precise age group range not stated.

$12.68/9.09 = 1.3949$  which may indicate that Asthma rates amongst E Cowes and Cowes 5-15 year olds are approximately 39% higher than the national average. The report by Dr Van Steenis (accessed via the [www.wrapinfo.org.uk](http://www.wrapinfo.org.uk) website) states, with regard to UK asthma that “.....the asthma rate is 6% averaged over all ages & presumably very much higher in children”.  
[www.asthma.org.uk](http://www.asthma.org.uk) states that the incidence of asthma in the UK is 5.4 million people, 1.1 million children (1 in 11 (9.09%)) and 4.3 million adults (1 in 12 (8.33%)).

Whilst there may be some variation in figures depending upon the source it appears likely that the incidence of asthma amongst 5 to 15 year olds in Cowes and East Cowes is significantly higher than the national average. No report has any firm evidence as to the cause of this difference.

### IPPC Permit Application

An application for a 'permit' under Local Authority Pollution Prevention and Control legislation was received on 25 September 2012. This application is for the proposed Hot Asphalt Roadstone Coating Process and the Recycled Asphalt Jaw Crusher. The application confirms that;

- No odour arrestment equipment is proposed (it is noted that displaced air from bitumen tanks will be back-vented to the delivery tanker and not emitted to atmosphere).
- No continuous particulate monitor is proposed for the main drier discharge stack;

Whilst such equipment may not be an absolute requirement under this legislation it would appear prudent, given the locations proximity to receptors, that such equipment be employed. The applicant should be asked to provide further comment on this issue including an explanation and justification as to why they believe that such equipment may not be necessary.

Precise detail of the proposed dust containment methods is not given in the revised application but it would be normal for both the silos and main drier to have particulate filters fitted in order to meet the relevant emission limit criteria.

Any permit issued by the local authority will have a mass emission limit specified but there is nothing within DEFRA guidance that requires the mass emission to be categorised into PM<sub>10</sub>, PM<sub>2.5</sub> or PM<sub>1</sub>. It is not known whether this is technically possible to do this continually on the proposed plant.

### Summary

At the present time environmental health recommends that the application be refused on the following grounds;

- Insufficient information has been submitted and insufficient investigation has been carried out in respect of contaminated land and I am not satisfied that the applicants conclusions are satisfactorily justified.
- I disagree with the noise assessment and the absence of a 5dB acoustic correction factor and I am not satisfied that the effects of noise from the proposed development have been satisfactorily assessed and will consequentially not have a detrimental impact on residents. The WBM submission makes assumptions which are not clarified in sufficient detail in the application (design/cladding/attention to detail) so I am unconvinced that they will be achieved in practice.

Further information from the applicant in respect of stated pollutants and dust (particularly PM<sub>2.5</sub> and below) would be helpful and enable a better informed conclusion to be made.

If you have any queries, please do not hesitate to contact me.

Regards,

Mark Wootton